

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

“Baby L.,” a minor, et al.,

Plaintiffs,

v.

Dr. MARK ESPER, in his official capacity as
Secretary for the U.S. Department of Defense
et al.,

Defendants.

Civil Action No. 3:20-cv-9

**Expedited Consideration
Requested**

**DEFENDANTS’ MOTION TO MODIFY PSEUDONYM AND SEALING
ORDERS TO ALLOW SHARING OF INFORMATION WITH OTHER COURTS;
REQUEST FOR EXPEDITED CONSIDERATION**

Pursuant to W.D. Va. Gen. R. 9(b)(4), Defendants move to modify the Court’s prior pseudonym and sealing orders in this case to allow Defendants to share under seal, in other proceedings involving Plaintiffs and “Baby L.,” including those currently pending in other courts, information that acknowledges to those courts and the parties in those cases that this case involved the same child and that Plaintiffs are the same individuals named as defendants in those cases. Defendants request this modification in order to ensure that courts in other proceedings involving the same child can be fully apprised regarding the procedural history of this case, in which Plaintiffs sought to challenge the United States’ foreign policy decision to transfer the child at issue in this case to a foreign government for reunification with her next of kin. The further reasons for this Motion are

set forth in the accompanying Memorandum.¹ Counsel for Defendants has conferred with counsel for Plaintiffs, who indicates that Plaintiffs oppose this Motion. A proposed order is attached.

Defendants seek expedited consideration of this Motion. Defendants seek to submit information about this case under seal in a pending state court proceeding² before that court issues a ruling that might dispose of the case. A hearing in the proceeding is scheduled on October 4, 2022, and it is unknown when the court might issue a decision. Defendants therefore hope to submit the information as soon as possible.

September 13, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ALEXANDER K. HAAS
Director, Federal Programs Branch

ANTHONY J. COPPOLINO
Deputy Director, Federal Programs Branch

/s/ Kathryn L. Wyer
KATHRYN L. WYER
Federal Programs Branch
U.S. Department of Justice, Civil Division
1100 L Street, N.W., Room 12014
Washington, DC 20005
Tel. (202) 616-8475 / Fax (202) 616-8470
kathryn.wyer@usdoj.gov
Attorneys for Defendants

¹ Although Defendants have attempted to avoid including in the accompanying Memorandum any information that is subject to the Court's pseudonym or sealing orders, and thus believe that the Memorandum can be placed on the public docket, out of an abundance of caution, Defendants file the Memorandum under seal in order to allow Plaintiffs an opportunity to review the Memorandum before it is placed on the public docket.

² Defendants do not identify the state court proceeding herein because that proceeding is under seal.